

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
SHIFRA GORDON, :
Plaintiff, :
v. :
ADMIN RECOVERY, LLC, :
Defendant. :
-----x

ORDER

20 CV 10017 (VB)

On January 29, 2021, defendant moved for judgment on the pleadings. (Doc. #14).

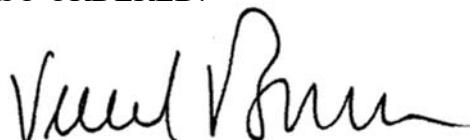
Accordingly, it is hereby ORDERED that, by no later than February 8, 2021, plaintiff must notify the Court by letter whether he (i) requests leave to file an amended complaint in response to the motion for judgment on the pleadings, or (ii) will rely on the complaint that is the subject of the motion for judgment on the pleadings.

If plaintiff elects not to file an amended complaint, the motion will proceed in the regular course, and the Court is unlikely to grant plaintiff a further opportunity to amend to address the purported deficiencies made apparent by the fully briefed arguments in defendant's motion. See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC, 797 F.3d 160, 190 (2d Cir. 2015) (leaving "unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility"); accord F5 Capital v. Pappas, 856 F.3d 61, 89–90 (2d Cir. 2017). The time to file opposing and reply papers shall be governed by the Federal Rules of Civil Procedure and the Local Civil Rules, unless otherwise ordered by the Court.

If plaintiff intends to request leave to file an amended complaint, the Court intends to grant such leave. However, plaintiff must file the amended complaint by no later than 14 days after notifying the Court of his intent to do so. Within 21 days of such amendment, defendant may either: (i) file an answer to the amended complaint and a renewed motion for judgment on the amended pleadings; or (ii) file a motion to dismiss the amended complaint; (iii) notify the Court by letter that they are relying on the initially filed motion for judgment on the pleadings.

Dated: February 1, 2021
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge